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August 2, 1999

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**By Hand**

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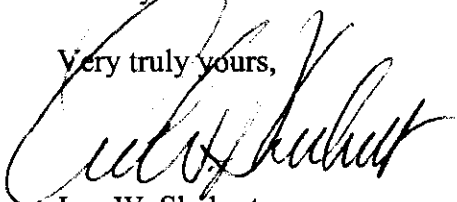
Re: Comments of PENSACOLA CHRISTIAN COLLEGE respecting  
MM Docket No. 99-25

Dear Ms Salas:

Transmitted herewith, are an original and nine (9) copies of the "COMMENTS OF PENSACOLA CHRISTIAN COLLEGE, INC." respecting the Commission's proposal pertaining to the Creation of a Low Power Radio Service, MM Docket No. 99-25.

Should further information be desired in connection with this matter, kindly communicate directly with this office.

Very truly yours,



Lee W. Shubert

Enclosures (10)

cc(w/1 enc.): Mr. Richard L. Bolsem

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BEFORE THE  
**Federal Communications Commission**

WASHINGTON, D.C. 20554

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AUG 2 1999

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

In the Matter of )

CREATION OF A LOW  
POWER RADIO SERVICE )

MM Docket No. 99-25

RM-9208

RM-9242

To: The Commission

**COMMENTS OF PENSACOLA CHRISTIAN COLLEGE, INC.**

Pensacola Christian College, Inc. ("PCC") hereby submits its Comments in response to the Commission's *Notice* in the above-captioned matter, released February 3, 1999 (the "*Notice*").

PCC is the licensee of WPCS-89.5FM, Pensacola, Florida, the primary station of a network of noncommercial educational radio broadcast and FM translator stations known as the Rejoice Broadcast Network. PCC opposes the creation of a new low power radio service as proposed in the Commission's *Notice* and submits the following arguments in support of its opposition.

## DISCUSSION

### **I. Creation of a New Low Power Radio Service Poses a Fatal Threat to Secondary Service Stations.**

PCC operates one primary 100,000-Watt Class C station, 41 FM translator stations and is affiliated with one 150-Watt Class A station. PCC also has construction permits for 45 more FM translator stations and has pending applications for 22 NCE FM full-power stations and 16 FM translator stations. Of the over 100 FM translator stations, construction permits and pending applications on file for PCC, a great majority of those existing and pending stations rely and have been engineered based upon the current Commission rules regarding third and second adjacent interference protections.

The Commission has proposed in its *Notice* that Low Power FM (“LPFM”) stations will not be subject to third adjacent interference protection and, potentially, will also not be subject to second adjacent interference protection to other existing stations in order to “make room” for the LPFM radio service. Such relaxation of the third and second adjacent protection rules for LPFM’s will cause a fatal threat not only to PCC’s existing and pending translator stations, but to all translator and booster stations that rely upon the current rules for third and second adjacent protections. These translator stations will become prime targets for displacement. For example, the Commission has proposed that the LP1000 class of the proposed LPFM radio service be designated as a primary radio service.

It also seeks comment as to whether the LP100 class should be designated as a primary service, as well. Enervating the third and second adjacent protection rules for the benefit of LPFM stations, will enable LPFM proponents to easily target already existing FM translators or booster stations which previously have been authorized to operate in adherence with the current third and/or second adjacent interference protections. Because FM translator and booster stations are secondary services, any existing FM translator or booster station that is overfiled by an LPFM primary service will be threatened and most likely displaced. Inasmuch as Class D NCE FM stations are also secondary services, the threat of displacement by an LPFM primary station is also a very real issue.

PCC is only one of approximately 1500 other licensees/applicants which have licenses, construction permits and/or pending applications for both NCE and commercial translator, booster and/or Class D FM stations. While these types of stations may be classified as secondary, the service they provide is considered primary by those who listen to and depend upon their programming. Recognizing the services translators provide, Commissioner Gloria Tristani succinctly acknowledged the circumstances in her comments before the New Mexico Broadcasters Association in Albuquerque, New Mexico this past April 30, 1999. She said to the attendees, "You all know much better than I how important translators are to our broadcast system, especially out here in the mountain

states. Translators may be 'secondary' as a matter of law, but to the people who depend upon them to receive broadcasting service, there's nothing 'secondary' about them." ([http://www.fcc.gov/Daily\\_Releases/Daily\\_Business/1999/db990503/spgt905.txt](http://www.fcc.gov/Daily_Releases/Daily_Business/1999/db990503/spgt905.txt))

The Commission repeatedly has stated that one of its primary goals is to protect the interests of the American public. The LPFM proposal, while purporting to potentially provide opportunities for new service(s) to the American public, implies a blatant disregard for existing secondary services to which the American public currently makes use. Furthermore, most, if not all, of the noncommercial FM stations in this country are sustained by the financial support of their listeners – the American public. Because the LPFM proposal has a great potential to displace existing and pending secondary services, the LPFM proposal does not have the interests of the American public at its forefront and should be abandoned.

## **II. The LPFM Notice Provides No Recourse for Displaced Secondary Services.**

For the past three years, PCC has invested considerable time, money and effort into building its network of listener-supported translator radio stations. Unquestionably, the other 1500 broadcasters that have secondary stations as part

of their service to the American public have also invested heavily in their broadcast properties. Translator and/or booster stations are an excellent and relatively inexpensive means for full power licensees to extend and/or expand their service. Currently, according to the Commission's FM database, there are roughly 5000 translator, booster or Class D NCE FM stations of record with the Commission. That is approximately one-fifth of all existing and pending FM stations currently on file. Certainly, the threat of displacement by the proposed LPFM service is a real concern of all licensees of these secondary services. To be sure, the overwhelming majority of the American public is unaware of the great potential for loss of service currently used which the LPFM proposal threatens. The LPFM *Notice* affords absolutely no recourse to secondary service licensees, should a primary service LPFM station threaten to displace a secondary service.

As previously noted, secondary services, particularly translator stations are prime targets for would-be LPFM licensees to displace; especially those translator stations that have been engineered to comply with the current FCC rules regarding third and second adjacent protection requirements. Many translator stations that have been engineered in this way provide service to communities that would not otherwise receive such service, because a full power service simply would not meet the interference protection requirements for that community with respect to already existing full power stations serving the same community. The

LPFM proposal has been crafted so as to make these specially engineered secondary services open prey to LPFM's. In short, the LPFM proposal will permit LPFM proponents to literally plunder the engineering work of these existing secondary services, all of which have been engineered under the long standing and current interference rules. That is inequitable and arbitrary. The LPFM proposal gives license to LPFM proponents to disregard the same rules under which existing and pending translator and booster stations have been engineered and allow the LPFM proposal to very simply displace the secondary service in order to establish the LPFM service. Because of these inequities, the proposal for a new LPFM service should be abandoned.

### **III. PCC Proposes the Following Protections for Displaced Secondary Services.**

Should the Commission chose to imprudently create and authorize a new LPFM service, it must established protections of existing secondary services from displacement by new LPFM primary services. PCC therefore offers the following method(s) of protection for existing and pending secondary services with respect to new LPFM station proposals.

- 1) LPFM station proposals should not be allowed to displace an existing or pending secondary service if there is other spectrum available on either the reserved or non-reserved bands for the LPFM proposal to utilize.

- 2) If the Commission imprudently chooses to allow secondary services to be displaced, then the licensee of the displaced secondary service should be allowed to migrate its service to an available frequency on either the reserved or non-reserved band (*e.g.* an intermodulated frequency), without being assigned a cutoff, being subject to competing applications, or being required to enter into the bidding process for commercial frequencies.
- 3) If there is no other reserved or non-reserved band frequency available for a displaced secondary service to move its existing service to under the current second and third adjacent interference protection rules, then the licensee of that existing secondary service should be allowed to request a waiver of the second and/or third adjacent interference protection rules so as to be able to have “more room” in order to find an alternate frequency and thus maintain its service.

#### **IV. LPFM SERVICES WILL CAUSE DESTRUCTIVE INTERFERENCE TO EXISTING FULL POWER STATIONS.**

Because the LPFM *Notice* proposes to relax the interference protection rules to third and second adjacent stations, the proposed LPFM service, if executed, will cause destructive interference to existing full power stations.

Following is an example of such interference:

PCC's primary station, WPCS-Pensacola, Florida operates at 100,000 Watts effective radiated power on channel 208 (89.5MHz). Of the many thousands of gulf coast listeners which WPCS serves, PCC has documented supporting listeners as far east as Panama City, Florida. WFSW (BLED-951207KC) is a 100,000 Watt



Class C1 station licensed for operation in Panama City, Florida on channel 206 (89.1MHz) – second adjacent to WPCS. Even with WFSW's presence on a second adjacent frequency to WPCS since 1995, the Panama City listeners continue to make use of the WPCS signal. With the introduction of the LPFM service, an LPFM proponent would be able to apply for a station in Panama City on channel 208, disregarding the second adjacent interference protection to WFSW and destroy the service that WPCS currently has in communities in and around Panama City. This should not be allowed to occur. If LPFM services are going to be allowed to disregard third and second adjacent interference protection rules, then those services should certainly be subject to the signal reception protections afforded in 47 C.F.R. §74.1204(f) which protects the signal reception of listeners receiving a regularly-used off-the-air signal of an existing station within the 1mV/m contour of a proposed service. To avoid this kind of destructive interference from ever occurring, the Commission should abandon its LPFM proposal altogether and, rather seek ways to enhance existing broadcast services.

### CONCLUSION

PCC submits that the drastic alteration of existing interference protection standards proposed in the LPFM *Notice* will likely cause the displacement of hundreds of NCE listener-supported and commercial secondary services across the nation due to the lack of protection or recourse from the proposed new LPFM

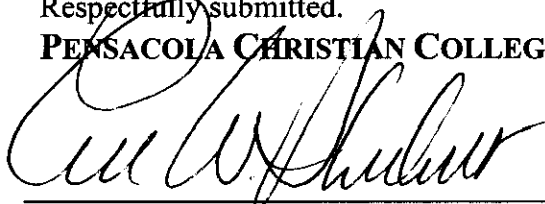
service. These secondary services are secondary in law, but primary in use and should not be subject to displacement. As demonstrated above, PCC further submits that the proposed LPFM service will also cause destructive interference to existing and pending full power services. While admirable in theory, the LPFM service proposal is faulty in practice and has too great a potential to cause the loss of services than create new services and cause a breakdown in the integrity of the broadcast spectrum. This demonstrated, PCC respectfully requests that the Commission, as the keepers of the spectrum and in consideration of the arguments presented above, abandon its pursuit of a new LPFM service.

Alternatively, should the Commission choose to ignore the detriments of the LPFM proposal and implement the service, PCC implores the Commission, on behalf of itself and all other NCE and commercial licensees and applicants of both secondary and full power FM services, to establish safeguards and provisions for the protection of all existing and pending FM services, so those existing and pending services may be maintained without threat of displacement and/or loss of service.

**WHEREFORE**, the premises considered, Pensacola Christian College,  
respectfully requests the Commission to abandon its proposal for the  
establishment of a new Low Power FM service.

Respectfully submitted.

**PENSACOLA CHRISTIAN COLLEGE, INC.**



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Its Attorney

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